

ASSEMBLY BILL

No. 360

Introduced by Assembly Member Ma

February 23, 2009

An act to amend Section 22138.5 of the Education Code, relating to teacher's retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 360, as introduced, Ma. State teachers' retirement: creditable service: community colleges.

The State Teachers' Retirement Law specifies the days or hours of creditable service that equal "full time" for the purpose of calculating benefits under the Defined Benefit Program of the State Teachers' Retirement System, and prescribes minimum standards to be applied to employees providing part-time instruction in a community college.

This bill would provide an alternate definition of "full time" for an instructor employed on a part-time basis in a community college, which would be based on $\frac{1}{2}$ of the number of hours that is the minimum standard for full-time faculty teaching the same type of class as the part-time instructor.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22138.5 of the Education Code is
2 amended to read:
3 22138.5. (a) "Full time" means the days or hours of creditable
4 service the employer requires to be performed by a class of

1 employees in a school year in order to earn the compensation
2 earnable as defined in Section 22115 and specified under the terms
3 of a collective bargaining agreement or employment agreement.
4 For the purpose of crediting service under this part, “full time”
5 may not be less than the minimum standard specified in this
6 section. Each collective bargaining agreement or employment
7 agreement that applies to a member subject to the minimum
8 standard specified in paragraph (5) of subdivision (c) shall specify
9 the number of hours of creditable service that equal “full time”
10 pursuant to this section, and shall make specific reference to this
11 section.

12 (b) The minimum standard for full time in prekindergarten
13 through grade 12 is as follows:

14 (1) One hundred seventy-five days per year or 1,050 hours per
15 year, except as provided in paragraphs (2) and (3).

16 (2) (A) One hundred ninety days per year or 1,520 hours per
17 year for all principals and program managers, including advisers,
18 coordinators, consultants, and developers or planners of curricula,
19 instructional materials, or programs, and for administrators, except
20 as provided in subparagraph (B).

21 (B) Two hundred fifteen days per year or 1,720 hours per year
22 including school and legal holidays pursuant to the policy adopted
23 by the employer’s governing board for administrators at a county
24 office of education.

25 (3) One thousand fifty hours per year for teachers in adult
26 education programs.

27 (c) The minimum standard for full time in community colleges
28 is as follows:

29 (1) One hundred seventy-five days per year or 1,050 hours per
30 year, except as provided in paragraphs (2), (3), (4), (5), ~~and~~ (6),
31 *or* (7). Full time includes time for duties the employer requires to
32 be performed as part of the full-time assignment for a particular
33 class of employees.

34 (2) One hundred ninety days per year or 1,520 hours per year
35 for all program managers and for administrators, except as provided
36 in paragraph (3).

37 (3) Two hundred fifteen days per year or 1,720 hours per year
38 including school and legal holidays pursuant to the policy adopted
39 by the employer’s governing board for administrators at a district
40 office.

1 (4) One hundred seventy-five days per year or 1,050 hours per
2 year for all counselors and librarians.

3 (5) Five hundred twenty-five instructional hours per school year
4 for all instructors employed on a part-time basis, except instructors
5 specified in paragraph (6) *or* (7). If an instructor receives
6 compensation for office hours pursuant to Article 10 (commencing
7 with Section 87880) of Chapter 3 of Part 51, the minimum standard
8 shall be increased appropriately by the number of office hours
9 required annually for the class of employees.

10 (6) Eight hundred seventy-five instructional hours per school
11 year for all instructors employed in adult education programs. If
12 an instructor receives compensation for office hours pursuant to
13 Article 10 (commencing with Section 87880) of Chapter 3 of Part
14 51, the minimum standard shall be increased appropriately by the
15 number of office hours required annually for the class of
16 employees.

17 (7) *For an instructor employed on a part-time basis for whom*
18 *525 instructional hours per school year represents more than*
19 *one-half of the number of hours that is the minimum standard for*
20 *full-time faculty teaching the same type of class as the part-time*
21 *instructor, the number of instructional hours per school year shall*
22 *be one-half of the number of hours that is the minimum standard*
23 *for full-time faculty teaching the same type of class at that*
24 *community college.*

25 (d) The board has final authority to determine full time for
26 purposes of crediting service under this part if full time is not
27 otherwise specified in this section.